

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES TOLES,

Defendant.

8:10CR354

ORDER

Defendant Charles Toles (Toles) appeared before the court on April 7, 2014, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 52). Toles was represented by William J. Pfeffer and the United States was represented by Assistant U.S. Attorney Meredith B. Tyrakoski. Through his counsel, Toles waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Toles should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Toles requested a detention hearing. The hearing was scheduled for April 22, 2014.

Toles again appeared before the court on April 22, 2014. He was represented by Mr. Pfeffer and the government was represented by AUSA Tyrakoski. Toles declined to present any evidence and waived his right to a detention hearing. Since it is Toles's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Toles has failed to carry his burden and that Toles should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:30 a.m. on June 12, 2014**. Defendant must be present in person.

2. Defendant Charles Toles is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 22nd day of April, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge